

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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DONALD ROTH, :

Petitioner, :

-against- :

UNITED STATES OF AMERICA, :

Respondent. :

ORDER

09 Civ. 8712 (GBD)(LMS)

02 Cr. 1503 (CM)(LMS)

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Lisa Margaret Smith, U.S.M.J.

The Court is in receipt of a letter from Petitioner dated July 6, 2011 (Docket # 38 in 09 Civ. 8712), in which he notes that Docket # 222 in 02 Cr. 1503 (Consolidated Motion for Disqualification, Change of Venue, Appointment of Counsel, and Bail) has not yet been ruled upon. See Docket # 237 (stating that Docket # 222 was still to be addressed). To the extent that the issues raised in that motion have not otherwise been resolved by the various Orders issued by this Court, the Court decides the motion as follows:

(1) Petitioner's motion to disqualify Judge Robinson has been mooted by Judge Robinson's resignation from the bench effective August 11, 2010;

(2) Petitioner's motion for a change of venue has been mooted by the reassignment of this § 2255 proceeding to the Honorable George B. Daniels, U.S.D.J., who sits in the Manhattan courthouse;

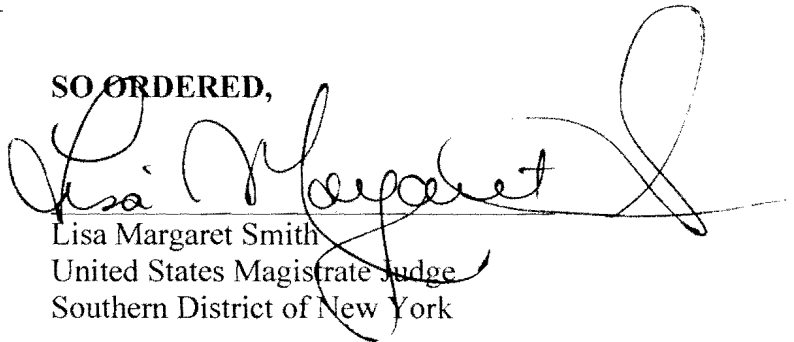
(3) Petitioner's motion for the appointment of counsel is denied for the reasons previously stated in other Orders issued by the Court, see Docket ## 7, 18 in 09 Civ. 8712; and

(4) Petitioner's motion for bail is denied. "The standard for bail pending habeas litigation

is a difficult one to meet: The petitioner must demonstrate that the habeas petition raise[s] substantial claims and that extraordinary circumstances exist[] that make the grant of bail necessary to make the habeas remedy effective." Grune v. Coughlin, 913 F.2d 41, 44 (2d Cir. 1990) (internal quotation marks and citation omitted) (alterations in original). Petitioner has failed to satisfy this rigorous standard.

Dated: September 22, 2011
White Plains, New York

SO ORDERED,



Lisa Margaret Smith
United States Magistrate Judge
Southern District of New York

Copies of this Order have been sent to:

Donald Roth, Petitioner
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